

**MINUTES**

**MONTANA SENATE  
56th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HIGHWAYS AND TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ARNIE MOHL**, on January 7, 1999 at  
3:00 P.M., in Room 410 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Arnie Mohl, Chairman (R)  
Sen. Ric Holden, Vice Chairman (R)  
Sen. Mack Cole (R)  
Sen. John Hertel (R)  
Sen. Reiny Jabs (R)  
Sen. Greg Jergeson (D)  
Sen. Glenn Roush (D)  
Sen. Debbie Shea (D)  
Sen. Spook Stang (D)  
Sen. Daryl Toews (R)

**Members Excused:** Sen. Bob DePratu (R)

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Phoebe Olson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 37 and SB 46, 1/5/1999  
Executive Action: SB 10

**HEARING ON SB 37**

**Sponsor:** SEN. BOB KEENAN, SD 38, BIGFORK

**Proponents:**

**Al Smith, Montana Trial Lawyers Association**

**Opponents:**

**Jill McGuire-Vincili, American Bikers Aiming Toward Education.**

**Greg VanHorsen, State Farm Insurance**

**Doug Abelin, Montana Trail Vehicle Riders Association**

**Larry Ellison, self**

**Opening Statement By Sponsor:**

**SENATOR BOB KEENAN, SD 38, BIGFORK,** remarked that he learned motorcycles were exempt from the liability insurance requirement after a constituent called voicing concerns and asked him to address the issue. He remarked that off road vehicles should be exempt, and suggested an amendment be added to address that. He thought that with the new size and speed of motorcycles and the younger age of drivers it was important motorcycles have liability insurance. He reserved the right to close.

**Proponents' Testimony:**

**Al Smith, MT Trial Lawyers,** stated support for the bill. He thought this would help people become responsible for their actions and it would benefit the people that were riding as well as people that may be injured by their actions.

**Opponents Testimony:**

**Jill McGuire-Vincili, ABATE** submitted written testimony.

**EXHIBIT**(his04a01)

**Greg VanHorsen, State Farm Insurance,** commented State Farm's perspective was insurance mandates should not be imposed. He opposed the bill on the philosophy that insurance coverage should be a choice. He stated statistics taken from an NAI (National Automobile Insurance Institute) study on the ineffectiveness of compulsory private liability insurance. The findings that he thought were important included: First, in those jurisdictions with compulsory laws the growth in estimated UM population has ranged from 6% to almost 300% from 1976 to 1985. Secondly, it costs 27% more to offer uninsured motorist coverage for injury claims in states that have compulsory laws to that of states who do not have compulsory laws. He told the members of the committee that he would be pleased to provide them with a copy of the report just as soon as he was able to make a copy.

**Doug Abelin, MT Trail Vehicle Riders Association,** went on record opposing the bill. He stated that as an off-road rider they were only on the road as a last resort to get from trail head to trail

head. He felt that since dirt bikes were built for one rider there was no one to insure.

**Larry Ellison**, was opposed to SB 37. He announced that he was an off-road motorcyclist. He believed that the riding season was too short to demand a need for liability insurance.

**Questions from Committee Members and Responses:**

**SENATOR JOHN HERTEL**, inquired of the sponsor how many other states required liability insurance for motorcycles.

**SENATOR KEENAN**, stated he did not have that information.

**Jill McGuire-Vincili**, stated that 23 states required mandatory liability insurance for motorcycles.

**SENATOR HERTEL** wondered if it was only for highway use.

**Jill McGuire Vincili** stated she did not know.

**SENATOR HERTEL** questioned the exception for quadracycles.

**SENATOR KEENAN** did not know why there was an exception for quadracycles.

**SENATOR REINY JABS** asked **Jill McGuire-Vincili** if most people did not use their motorcycles for transportation on highways?

**Jill McGuire Vincili**, stated that most people used them as a secondary means of transportation. She stated that since it was impossible to ride year round in Montana that insurance was not necessary.

**SENATOR JABS**, asked if there were some states that did not require liability insurance on automobiles?

**Greg Vanhorsen**, stated that he believed 44 states required liability for automobiles.

**SENATOR BARRY "SPOOK" STANG**, asked how many complaints that the Insurance Commissioner's office had received over the years regarding people who had been involved in accidents with uninsured motorcyclists?

**Frank Cote, Deputy Insurance Commissioner**, replied that they did not keep the kind of records that would provide the information that **SENATOR STANG** was requesting.

**SENATOR STANG**, inquired if there was anyone who would have that information?

**Frank Cote**, said he was unaware of anyone who would have that information?

**SENATOR ARNIE MOHL**, asked if he was hit by a motorcycle that did not have insurance who would pay for the damage to his vehicle?

**Greg VanHorsen**, answered that his uninsured motorists coverage would pay for the damage.

**SENATOR MOHL**, asked who's idea it was to make insurance mandatory for automobiles.

**Greg VanHorsen**, said he believed that it was a legislative effort.

**Closing by Sponsor:** **SENATOR KEENAN**, conveyed that his motorcycle insurance cost \$82.00 a year. He could not imagine anyone riding without liability insurance. He offered to help the committee in executive action if they thought it was necessary.

**HEARING ON SB 47**

**Sponsor:** **SENATOR CHARLES SWYSGOOD, SD 17 DILLON**

**Proponents:**

**Dave Galt, Department of Transportation**  
**Mike Foster, MT Contractors Association**

**Opponents:**

**Colonel Craig Reap, MT Highway Patrol**  
**Curt Rissmann, MT Highway Patrol**  
**Dolan Duffy**

**Sponsor:** **SENATOR CHARLES SWYSGOOD, SD 17 DILLON**, explained that this bill would transfer this particular part of the Motor Carrier Safety Act from the Highway Patrol to the Department of Transportation, Motor Carriers Division. He stated that he had no problem with the agency currently in charge of enforcement, but he felt strongly that a duplication of services was being conducted. He also conveyed that this was a cost saving move. He believed it would reduce some of the inefficiencies in the system. He also believed that it would allow more time for the

Highway Patrol to patrol the highways and perform other important duties. He reserved the right to close.

**Proponents Testimony:**

**Dave Galt, Montana Department of Transportation,** submitted written testimony. **EXHIBIT(his04a02)**

**Mike Foster, MT Contractors Association,** stated that it looked like the bill had a positive effect on the Highway Trust Fund. He said his organization was watching what happened with the trust fund because of the matching requirements for the highway construction funding program. He thought that this bill could have some good benefits for the Contractors Association.

**Opponents Testimony:**

**Colonel Craig Reap, MT Highway Patrol,** submitted written testimony. **EXHIBIT(his04a03)**

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**Curt Rissmann, MT Highway Patrol,** submitted written testimony. **EXHIBIT(his04a04)**

**Dolan Duffy,** said he opposed the bill. He thought it would take a lot longer to get an inspector to a scene. He believed that transferring the program would serve no real purpose.

**Questions from Committee Members and Responses:**

**SENATOR STANG,** asked if most Motor Carrier Safety Alliance Program (MCSAP) inspections were done at stations that were not open 24 hours a day.

**Dave Galt,** said he did not keep track of how many inspections were conducted at each station.

**SENATOR STANG,** asked **Dave Galt** if seven Full Time Employees were cut from the program and people who collect fees for the department of transportation had to take time out to do an inspection, if revenue would be lost and if there wouldn't be log jams at weigh stations while truckers wait to see first if they have the proper permits and then to see if they should be inspected.

**Dave Galt,** said that log jams at the weigh station would be unacceptable. He, too, was concerned about the weight inspections

and conventional inspections. He said he was currently in the process of automating the weigh stations to handle the weight checks. He believed that by taking that duty from the inspector they could focus time on safety inspections.

**SENATOR STANG**, wondered how trucks would be stopped if they were overweight if the system was automated and there was not a person at the scale.

**Dave Galt**, said he intended to close four weigh stations and consolidate his personnel to weigh stations on the main line. He believed that the number of overweight and noncompliant vehicles was small enough that during the time an officer was conducting a safety inspection he could afford to let someone get by.

**SENATOR STANG** asked if four weigh stations were being closed if they were running the risk of having a lot more overweight and out of compliance vehicles?

**Dave Galt**, said that if the weigh station is left standing and he held spot checks with roving personnel it was effective.

**SENATOR STANG**, asked if the number of truck accidents and deaths increased if **Dave Galt** could promise that we would not ask for an increase in his budget to add five or six more officers to do inspections. He said it appeared that the savings came in fewer salaries.

**Dave Galt**, said that he could assure that he wouldn't be back saying he needed more staff.

**SENATOR RIC HOLDEN**, pointed out that if we were to use the criteria of number of inspections compared to fatal crashes that the plan had failed. In 1988 through 1992 the number of inspections varied from 18,000 to 22,000 per year. In 1997 and 1998 the inspections have doubled but the fatalities remained about the same. He thought there may be too many inspections being conducted.

**Col. Reap**, answered that the number of commercial vehicles had gone up considerably over the years and that the program had expanded tremendously. At first there was only two or three inspectors and now there are a whole lot more. He stated the fatalities were definitely on a downward trend.

**SENATOR HOLDEN**, asked **Dave Galt** what he thought of Mr. Duffy's idea that response time to accidents would go down.

**Dave Galt**, said that the Department had 17 roving units now and with the new program more would be added. He didn't believe that response time would change.

**SENATOR STANG**, asked who would be liable if an inspector was involved in an accident on the way to a scene?

**Dave Galt**, said that he did not know but he would research that and get back to **Senator Stang** with an answer.

**SENATOR STANG**, asked if the program was taken from the Highway Patrol if officers would continue to be trained to inspect trucks at accidents sites, and where the funds would come from to train them if they did continue to be trained?

**Col. Reap**, said that they would continue to have officers trained to do the inspections. He felt that the program was vital enough to fund it from his own budget if it became necessary.

**SENATOR MOHL**, asked if the Department would still come to a place of business to do inspections on trucks.

**Dave Galt**, replied that they would.

**SENATOR MOHL**, asked if when Full Time Employees were transferred from one department to another, if they stayed under the same retirement plan.

**Dave Galt**, said he believed they would stay under the same retirement system.

**SENATOR JABS**, asked **Dave Galt**, how many qualified inspection officers his department had?

**Dave Galt**, replied that all but seven of eighty-four uniformed officers were certified to inspect at the time.

**Closing by Sponsor:**

**SENATOR SWYSGOOD**, said the Highway Patrol had done an excellent job implementing this program, that had changed from total chaos to an industry that could hold it's head proud. He believed safety had improved. He stated that these safety records would not change by moving this entity from the Highway Patrol to the motor carrier services division. He assumed that the Highway Patrol would have to keep certified officers to investigate accidents whether they were in the program or not. He thought that the two departments could cover for each other when one or the other inspectors could not get to an accident. He believed by

transferring the program the Highway Patrol would have more time to patrol the highways. **SENATOR SWYSGOOD**, maintained that the transfer would make the process more efficient, and would be a benefit to everyone. He hoped the committee would give serious consideration to the bill and stated that it did save money in the highway fund which was critical.

**EXECUTIVE ACTION ON SB 10**

**Motion:** SEN. MOHL moved that SB 10 DO PASS.

**Discussion:**

**SENATOR MOHL**, offered an amendment. **EXHIBIT(his04a05)** He explained that the amendment just changed the position of the pilot car when moving from a highway to an Interstate.

**SENATOR STANG**, suggested that the language be consistent with the language found on line five of the bill where it says "an interstate highway or any other four lane highway".

**SENATOR GREG JERGESON**, offered the suggestion that instead of saying "strike" they say "following an Interstate insert or a four lane highway". **EXHIBIT(his04a06)**

**Motion/Vote:** SEN. STANG moved that the amendment be amended.  
**Motion carried 11-0.**

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**Motion/Vote:** SEN. DEBBIE SHEA moved that SB 10 DO PASS AS AMENDED. Motion carried 11-0.



**ADJOURNMENT**

Adjournment: 4:30 P.M.

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SEN. ARNIE MOHL, Chairman

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PHOEBE OLSON, Secretary

AM/PO

**EXHIBIT** (his04aad)